



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097290,150	04/12/99	MOON	1351.00011

WOOD PHILLIPS VAN SANTEN
CLARK & MORTIMER
SUITE 3800
500 WEST MADISON STREET
CHICAGO IL 60661

QM02/1213

EXAMINER
FELHAM, J

ART UNIT	PAPER NUMBER
3742	4

DATE MAILED: 12/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/290,150

Applicant(s)
Moon et al

Examiner
Joseph Pelham

Group Art Unit
3742



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above, claim(s) 15-17 is/are withdrawn from consideration.
- ☒ Claim(s) 5-11 and 18 is/are allowed.
- ☒ Claim(s) 1, 2, and 12-14 is/are rejected.
- ☒ Claim(s) 3 and 4 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3742

1. The Examiner acknowledges Applicant's submission of the election filed 10/18/1999. Claims 15-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention. Election was made without traverse in Paper No. 3.

Claim Rejections - 35 USC § 102

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5465651 to Erickson et al. See column 6, lines 55-65, and Figure 3.

Claim Rejections - 35 USC § 103

3. Claims 2 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson et al in view of U.S. Patent 5404420 to Song.

While Erickson et al does not explicitly disclose the recited ceramic heater coating composition, or a pan beneath the grill with retractable handles, such are well know IR heater materials, and retractable handles are notoriously old and well known in the art. Song discloses a pan beneath an analogous grill. It would have been obvious to so form the heater of Erickson et al to provide a durable IR emitter, and to place a pan with retractable handles beneath the grill of Erickson et al to catch debris falling from the grill while permitting unobtrusive placement of the handles when not in use.

Allowable Subject Matter


4. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 5-11 and 18 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited below should be considered in conjunction with the previously cited prior art when responding to this action.

U.S. Patents 5466912, 5513558, 5699722, and 4817509 all disclose analogous ovens. U.S. Patent 5845563 and 3882767 disclose pans beneath food support structures. U.S. Patent 3851639 discloses retractable handles.

Any inquiry concerning this communication should be directed to Joseph Pelham at telephone number (703) 308-1709, or fax (703) 308-7764.


Joseph Pelham
Primary Patent Examiner
Art Unit 3742

JP
December 9, 1999